

### **REMARKS**

This amendment is responsive to the Office Action of March 17, 2009. Reconsideration and allowance of **claims 1-11, 16, and 21-25** are requested.

#### **The Office Action**

**Claims 1, 21, 22-23 and 25** were objected for containing minor informalities.

**Claims 1-11, 16, 21-23 and 25** were rejected under 35 U.S.C. §112, second paragraph.

**Claims 1, 21, and 24** were rejected under 35 U.S.C. § 102(b) over West (U.S. Patent Application Publication No. 2002/0013517).

**Claims 2-3, 5-7, 11, 16, and 22** were rejected under 35 U.S.C. § 103(a) over West in view of Haller (U.S. Patent Application Publication No. 2001/0051787).

**Claims 4, 23, and 25** were rejected under 35 U.S.C. § 103(a) over West in view of Gum (U.S. Patent No. 6,363,247).

**Claims 8-10** were rejected under 35 U.S.C. § 103(a) over West in view of Haller in further view of IEEE 802.11 Std., 1999 Edition (R2003).

#### **The Present Application**

The present application is directed to system and method for paging/finding a wireless patient-monitoring device in a WLAN network including the steps of determining the status of a radio module of one or more wireless monitoring devices that are adapted for dual-communication with one of or more Access Points and a central-monitoring station in a WLAN. The overall status of the monitoring devices can be a plurality of meta-states including standby, inactive, active, sleep. After the status is determined, there is a selection of a particular monitoring device for receipt of wireless transmission of a signal that is adapted for changing a meta-state of the device to a desired state if the current state of the particular wireless monitoring device is not the desired state.

Additionally, an audial-code function of the particular wireless monitoring device is activated by transmitting an instructional signal to the particular wireless patient-monitoring device to emit a predetermined first audial-code that can be heard at least by a patient being monitored by the particular monitoring device.

The above description of the present application is presented to the Examiner as background information to assist the Examiner in understanding the application. The above description is not used to limit the claims in any way.

### **The References of Record**

**West et al.** discloses a wireless medical telemetry system including at least one wireless patient monitor configured to collect patient vital signs data, and at least one central station adapted to establish communications with the at least one patient monitor via a wireless transceiver, and to receive the patient vital signs data from the at least one patient monitor. The at least one patient monitor is operable by a user to transmit an end-communications signal to the at least one central station, and the at least one central station is configured to terminate the communications with the at least one patient monitor in response to the end-communications signal.

**Haller et al.** discloses a communications scheme in which a remote computer communicates with an IMD implanted within a patient by communicating through a mobile telephone and/or PDA and a communication module located near the patient, where the communication module is operatively connected to the mobile telephone and/or PDA and is capable of telemetrically uploading and downloading information to and from the IMD, and thence via the mobile telephone or PDA to the remote computer or health care provider.

**Gum** discloses a system and method for aiding emergency service providers in locating an incapacitated individual by use of a wireless communications device.

### **Claims Objections**

**Claims 1, 21, and 25** have been amended to address the Examiner's objections.

### **35 U.S.C. § 112, Second Paragraph**

**Claims 1, 21, and 25** have been amended to address the Examiner's rejections.

**The Claims Distinguish Patentably**  
**Over the References of Record**

**Claims 1, 21, and 25** are not anticipated by West. Applicants respectfully submit that this rejection is improper/erroneous. Accordingly, the rejection is hereby traversed.

Regarding **claim 1**, West does not disclose determining a status of a radio module of one or more wireless monitoring devices and select a particular PWD/PMD for receipt of wireless transmission of a signal for changing a meta-state of the device to a desired state and selecting a particular PWD/PMD for receipt of wireless transmission of a signal for changing a meta-state of the device to a desired state if a current state of the particular PWD/PMD is not in the desired state. The Office Action refers Applicant to Figure 2 and paragraphs [0038], [0056], [0073], and [0146] which discloses a wireless patient monitor configured to collect patient vital signs and data and transmit the patient vital signal to a central station. More specifically, West discloses the central monitoring station determining when the wireless monitoring device is out of communication with a central station. The controller in the patient monitoring device may turn off the display in order to conserve battery power. West does not disclose a central monitoring station determining the status of various patient monitoring devices and being able to select a particular patient monitor in which to transmit a signal to change the monitoring device to a desired state if the device is not in the desired state. West discloses the central monitoring station detecting when the wireless patient monitor is out of range; West does not disclose determining the status of the wireless monitoring devices in order to determine whether one of more of the wireless monitoring devices is in a desired state. Additionally, West does not disclose changing the meta-state of the wireless monitoring device if it is determined that the wireless monitoring device is not in a desired state. Furthermore, the system of West would be unable to send a change of meta-state signal based on the determination that the wireless monitoring device is out of range because the device would be out of range and thereby not change the wireless monitoring device to a desired state.

Accordingly it is submitted that **claim 1** and **claims 2-11** which depend therefrom distinguish patentably from the references of record.

As per **claims 21** and dependent **claims 22-23**, West does not disclose or fairly suggest a central-monitoring station configured to select a particular

PWD/PMD for receipt of a wireless transmission of a change meta-state signal and/or a page/find signal and a PWD/PMD configured to receive the change meta-state signal and change the meta-state of the particular PWD/PMD and/or receive a page/find message and emit an audio signal in response to the received page/find message and wherein the particular PWD/PMD is configured to receive the change meta-state signal and change the meta-state of the particular PWD/PMD if a current state is not in the desired state. Accordingly it is submitted that **claims 21-23** distinguish patentably over the references.

As per **claim 24**, West does not disclose or fairly suggest a processor configured to determine the meta-state of the radio module of the monitoring device and upon reception of a change meta-state signal transmitted from the at least one of a central monitoring stations or a plurality of access points change the meta-state of the monitoring device if the meta-sate is not in a desired state. Accordingly it is submitted that **claims 24** distinguishes patentably over the references.

As per **claim 25**, West does not disclose determining a status of a radio module of one or more wireless monitoring devices and select a particular PWD/PMD for receipt of wireless transmission of a signal for changing a meta-state of the device to a desired state and selecting a particular PWD/PMD for receipt of wireless transmission of a signal for changing a meta-state of the device to the active state if a current state of the particular PWD/PMD is not in the active state. West does not teach or fairly suggest a central monitoring station that determines the status of a patient monitors. Additionally, West does not disclose selecting a particular patient monitor and transmitting a signal to change the monitoring device to change the monitoring device to an active state if it is determined that the monitoring device is not in an active state.

Accordingly it is submitted that **claims 25** distinguishes patentably over the references.

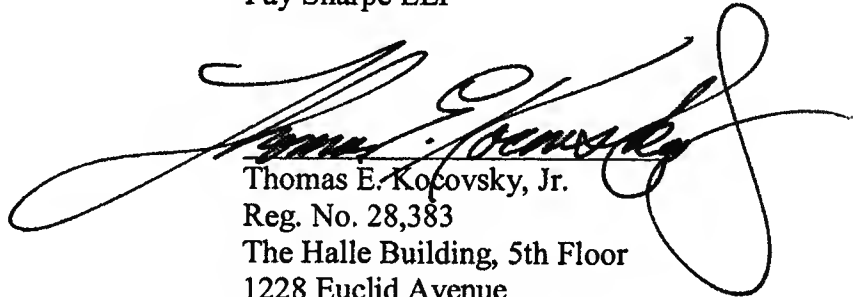
**CONCLUSION**

For the reasons set forth above, it is submitted that **claims 1-11, 16, and 21-25** (all claims) distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case(s), he is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,

Fay Sharpe LLP

A large, stylized handwritten signature in black ink, which appears to read "Thomas E. Kocovsky, Jr.", is written over the printed name and address.

Thomas E. Kocovsky, Jr.  
Reg. No. 28,383  
The Halle Building, 5th Floor  
1228 Euclid Avenue  
Cleveland, OH 44115-1843  
216.363.9000